

August 17, 2020

Mr. Thom Fischer  
Electron Hydro LLC  
19318 Electron Rd. E.  
Orting, Washington 98360

**Re: Statement of Work for Consulting Services**  
**Electron Hydro Diversion Repair and Spillway Replacement Project**  
***Response to Pierce County and Corps of Engineer Stop Work Orders***

Dear Mr. Fischer:

I am writing this letter to document the scope of work and terms of service for me to provide consulting services in support of Electron Hydro's response to Pierce County and Corps of Engineers stop work orders issued on August 6, 2020, and August 7, 2020, respectively. My consulting services focus on assisting Electron Hydro in responding to information requests made by Pierce County and the Corps of Engineers with the goal of quickly securing permission to initiate work again so in-water construction can be completed prior to the return of fish and wet weather.

I received a text message just after midnight on Friday August 7, 2020 from you informing me that you had received a stop work order and you would like to talk to me as soon as possible. I phoned you later that morning and at your request I planned to travel to the site on Saturday August 8, 2020. The consulting services provided in response to your request are described below.

**Description of Consulting Services**

I traveled to the Electron Hydro facility arriving late on the night of August 8, 2020. I spent all day at the site on Sunday August 9 and Monday August 10. The Pierce County stop work order required Electron to develop and submit a plan to remove unsuitable material (Field Turf) that had been placed in the river as part of constructing the temporary bypass channel at the spillway replacement work site. The Corps of Engineers stop work order included specific information requests related to the release of unsuitable material, construction activities, and water quality compliance monitoring data.

The consulting services provided to date included the following:

- Travel from Fort Myers, Florida, to the Electron Hydro facility on August 8, 2020. Travel time billed as part of this assignment was capped Ex. 4 CBI hours billed at \$Ex. 4 CBI hour. Actual travel time was Ex. 4 CBI hours.

- On Sunday August 9, 2020, I conducted a site inspection and river reconnaissance, met with on-site personnel, reviewed correspondence from regulatory agencies, planned the approach to responding to information requests from Pierce County and Corps of Engineers, and began to draft the response letter to the Corps. I capped my daily labor charges at [ ] hours billed at \$ [Ex. 4 CBI]/hour. Actual work time spent was [Ex. 4 CBI] hours.
- On Monday August 10, 2020, I conducted a river reconnaissance to assess the distribution of Field Turf downstream of the construction site, met with on-site staff to discuss construction completion timeline and approach, drafted the Corps response letter, and began work on the Material Removal Plan requested by Pierce County. I capped my daily labor charges at [ ] hours billed at \$ [Ex. 4 CBI] hour. Actual work time spent was [Ex. 4 CBI] hours.
- On the night of August 10 and early on August 11, 2020, I traveled from the Electron Hydro site to Fort Myers, Florida. Travel time billed as part of this assignment was capped at [ ] hours on August 11, 2020 billed at \$ [Ex. 4 CBI] hour. Actual travel time was [Ex. 4 CBI] hours.
- From my office I continued to work from August 11 to August 14, 2020 providing support to the response to Pierce County and the Corps. My work included drafting and finalizing the Material Removal Plan for Pierce County, which was submitted to the County on August 13, 2020. The Corps issued a second letter requesting additional information before they would lift the stop work order. I assisted in preparing the response to the Corps' second information request by drafting portions of the response and providing technical review and advice on portions of the response drafted by Electron Hydro personnel. I tracked a total of [Ex. 4 CBI] labor hours over those four days at [Ex. 4 CBI]/hour.


The estimated total cost of services and expenses incurred between August 8 and August 14, 2020, is \$9,210.00. I am available on-call to provide additional consulting services supporting the response to Pierce County and the Corps and any other regulatory coordination and response as requested and directed by Electron Hydro representative Thom Fischer or his delegate. My services will be invoiced monthly on a time and materials basis. All reimbursable expenses will be invoiced at cost (no markup) with receipts provided as backup. All labor will be billed at [Ex. 4 CBI] hour. Travel time and on-site time will be accounted according to the same terms applied to the site visit (August 8 – 11) in which travel time was capped at [Ex. 4 CBI] and on-site time was [Ex. 4 CBI] labor hours. Electron Hydro provided transportation, meals, and lodging during the site visit, so reimbursable expenses incurred to date are limited to airfare, airport parking, and personal vehicle mileage driving to the Tampa International Airport.

The current in-water construction effort must be completed by September 15, 2020 per the terms of multiple environmental permits based on the in-water construction window stipulated to protect fish. In practice, that deadline may be extended by 2 weeks with additional time potentially allowed on an emergency basis. I will be available to work under the terms of this working engagement from now through December 31, 2020, on an on-call as needed basis up to approximately Ex. 4 CBI labor hours (\$35,000) if necessary plus approved expenses if additional travel is required. I will only perform work as requested by Thom Fischer or his delegate, and I will be judicious in the way I spend my time, so it is cost effective. If you wish to specify a lower "not to exceed limit", I will accept that with the understanding that you may change the limit at your discretion should the need arise. My intent is to work with you to manage the costs of my services and gain the most value from my time.

### **Concluding Remarks**

I understand and sympathize with the stress and challenges that result from a stop work order on a time-sensitive in-water construction project. Much of my expertise on the geomorphology of the Puyallup River system was gained by working with you for over 2,000 hours on this project during the planning and design phase, and in light of that history I have made every effort to respond immediately to the situation. For the same reasons I have made a point to offer you favorable terms for my engagement.

Respectfully yours,



**SHANE CHERRY**

Principal Scientist

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cc: Steve Marmon, Tollhouse Energy Company